

# The John Birch Society

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## Tyranny of the Majority: The National Popular Vote!

The Founding Fathers gave us [a constitutional Republic, not a Democracy](#), in order to prevent the loss of our rights and freedoms to a tyranny of the majority. The Electoral College is one of the key aspects of the Constitution for accomplishing this purpose.

### What Is the Electoral College?

Click on the above video to get a quick understanding of what the Electoral College is and how it protects our rights and freedoms from a tyranny of the majority.

Basically, the Electoral College provides an indirect method ([Article II, Section 1 of the Constitution](#)) for the election of the president and vice-president. Although voters in each state think they are voting directly for the president and vice-president of their choice every four years, they are actually voting directly for electors that are pledged to vote for the various presidential and vice-presidential candidates on the ballot.

Since the number of electors allotted for each state is based on the number of congressional districts for that state plus two (based on the two senators in each state), California (based on its very large population), has 55 electors and Wyoming (based on its very small population), has only 3 electors. The total number of electors is 538, and the number needed for a presidential candidate to win is 270 (a majority).

### Benefits of the Electoral College

Although there are many arguments for either keeping the Electoral College or replacing it with a national popular vote, we'll only consider a few of the important ones for keeping the Electoral College.

**First**, keeping the Electoral College affirms the important role of the states in our constitutional Republic (as enshrined in the Tenth Amendment to the Constitution), which is often referred to as federalism. Discarding the Electoral College in favor of a national popular vote would be a big step toward converting our Republic into a Democracy. As explained below, states that adopt the National Popular Vote Interstate Compact (NPVIC)

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legislation agree to allot all of their electoral votes to the presidential candidate that wins the national popular vote. That means that if your state adopts the NPVIC legislation, then your state's Electoral College votes will be allotted to the winner of the national popular vote for president, even if the majority of voters in your state vote for a different candidate.

**Second**, the number of votes each state is allotted in the Electoral College provides an upper limit on the influence on presidential elections exerted by large population states. For example, with the Electoral College, California's influence on elections compared to Wyoming's influence is capped by the ratio of 55 (electoral votes) to 3 (electoral votes). No matter how many more millions of votes are received by the winning candidate as compared to the losing candidate in California, that candidate would still only get 55 votes in the Electoral College, and Wyoming would still get its 3 votes. This feature of the Electoral College helps prevent the tyranny of the majority problem associated with democracies.

**Third**, with the Electoral College widespread voter fraud in a large population state like California, a safe, blue state, would very rarely change the outcome of a presidential election because under the "winner take all" rules of nearly all states, if the winner gets only one vote more statewide than the opponent, the winner gets (in the example of California) 55 electoral votes. If the winner would receive millions more votes through voter fraud instead, he or she would still get only 55 electoral votes. The same would be true for large population red states. Therefore, the Electoral College serves to prevent voter fraud from changing who wins presidential elections.

## **The National Popular Vote Movement to Replace the Electoral College**

Now, over two centuries after the Electoral College went into effect, there is a highly funded movement, [the National Popular Vote movement](#) (NPV), to replace this key component of our constitutional Republic.

[The NPV movement is a clever way to convert our presidential elections](#) from being determined by the Electoral College to being determined by the national popular vote without the necessity of a constitutional amendment. This "workaround" is based on the power of each state, as provided in Article II, Section 1 of the Constitution, to appoint its electors "in such manner as the legislature thereof may direct." However, since about half of the states would be subject to this completely new procedure for electing the president without giving their consent, a constitutional amendment would appear to be required. In fact, once the NPV Interstate Compact would reach 270 electoral votes, then theoretically, the remaining states would become forever irrelevant in presidential elections. In practice, they would probably join the compact just to avoid this presidential election limbo. But that's no way to change such an important part of our constitutional system of government.

In 2006 the NPV movement began introducing NPVIC (National Popular Vote Interstate Compact) legislation in various state legislatures. This legislation was designed so that each state that joined the interstate compact agreed to award all of its electoral votes in presidential elections to the candidate that wins the popular vote in all 50 states and the District of Columbia. However, this assignment of electoral votes based on the winner of the national popular vote will not go into effect until the states joining this compact have a combined total of 270 or more electoral votes.

The Compact Clause in [Article I, Section X](#), of the Constitution explicitly prohibits interstate compacts created without Congress's consent. However, this means nothing to NPV proponents who despise the Constitution and the principles of the founding fathers.

## **NPVIC Status**

As of September 2020, the NPVIC legislation has been adopted by fifteen states and the District of Columbia, accounting for 196 electoral votes. This amounts to 72.6% of the 270 votes needed to legally activate the NPV interstate compact. NPVIC legislation has passed and been signed into law in Maryland (2007), New Jersey (2008), Illinois (2008), Hawaii (2008), Washington (2009), Massachusetts (2010), the District of Columbia (2010), Vermont (2011), California (2011), Rhode Island (2013), New York (2014), Connecticut (2018), Colorado (2019), Delaware (2019), New Mexico (2019), and Oregon (2019). Another NPVIC bill also passed in the Nevada Legislature in 2019, but was fortunately vetoed by the state's Democratic Governor Steve Sisolak.

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**For 2023, the NPVIC scheme is particularly at risk of passing in Maine, Michigan, Minnesota, and Nevada (among other states).**

## What to Do?

Begin visiting, phoning, and emailing your state legislators now in opposition to adopting the NPVIC legislation. Don't be overconfident that the NPVIC legislation will never pass in your red state. Surprisingly, the Oklahoma Senate approved an NPVIC bill in 2014 and the Arizona House did so in 2016. If your state legislators are Republican, your **first point** should be to ask why would they support the NPV legislation since it would serve to almost guarantee that Democrats would win the presidency in the foreseeable future. A **second point** is that adopting the NPVIC would serve to dramatically reduce the role of states in presidential elections. Not only would the NPVIC deliver your state's electoral votes to the national popular vote winner even if the majority of voters in your state voted for a different candidate, but a very large number of states (likely a majority) would have the whole presidential election process, known as the Electoral College (as provided in Article II of the Constitution), transformed without their consent and without their participation in a constitutional amendment process. A **third point** would be how the Electoral College caps the influence of the large population states and therefore helps prevent the tyranny of the majority problem. A **fourth point** would be to mention how the Electoral College helps prevent voter fraud from changing who wins presidential elections.

If you're in a conservative-leaning or "red state," and you're talking to a Democratic state legislator, you should of course, forget about making the first point mentioned in the previous paragraph and go on to make points 2-4.

If you're in a liberal-leaning or "blue state" that still hasn't adopted the NPVIC legislation and that is in session, please contact your state legislators in opposition to the NPVIC legislation. Make the points detailed in the previous two paragraphs.

If you're in a state that has already passed the NPVIC legislation, you should work with your state legislators to get a bill introduced to repeal the NPVIC legislation, thus withdrawing from the NPVIC, for the reasons discussed in the immediately preceding paragraphs. So far, such repeal bills have been introduced in Maryland, New Jersey, and Washington, but have failed, while Colorado voters rejected an attempt to overturn its NPVIC law in November 2020.